THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10426 of 2007

Dated: 17-07-2007

Between:

Kurumella Gani Raju.

..... PETITIONER

AND

The State of Andhra Pradesh,
rep.by Principal Secretary, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10426 of 2007

ORDER:

The petitioner is resident of Chilakaladu Village, Alamuru Mandal, East Godavari District. He purchased small extents of land admeasuring Ac.0.37 in R.S.No.202/2B and admeasuring Ac.0.57 in R.S.No.203/4B under registered sale deeds on 18.07.1970. He asserts that the land is not assigned land. Third respondent issued notice on 29.04.2007 in Form II under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007(the Rules, for brevity) calling upon the petitioner to submit explanation as to why he should not be dispossessed for contravening the provisions of Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity). The petitioner submitted explanation on 08.05.2007. Nonetheless alleging that on 13.05.2007 third respondent came to his land and threatened to dispossess him even though the matter is pending before him (third respondent), he filed instant writ petition seeking a direction to the respondents to drop all further proceedings pursuant to issuance of notice in Form II.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (Assignment), this Court is of the considered opinion that a writ petition challenging a show-cause notice or a statutory notice issued in accordance with the Rules would not lie. This writ petition is misconceived. Insofar as the allegation made by the petitioner that even before third respondent passed orders, the officials are trying to dispossess him, this Court observes that unless and until third respondent passes orders for resumption of the land, the petitioner's right to enjoy the land if he is in possession cannot be disturbed by any coercive action.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

17th July, 2007
ghn